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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/897,254	07/02/2001	Lori Clifton	10004167-1	9983

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HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER

SAFAIPOUR, HOUSHANG

ART UNIT	PAPER NUMBER
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2622

DATE MAILED: 07/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/897,254	<b>Applicant(s)</b> CLIFTON, LORI	
	<b>Examiner</b> Houshang Safaipoor	<b>Art Unit</b> 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7,9,12,13,16-18 and 20-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7,9,12,13,16-18 and 20-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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## **DETAILED ACTION**

### ***Response to Amendment***

Applicant's amendment was received on April 7, 2005 and has been entered and made of record. Claims 1-7, 9, 12-13, 16-18 and 20-26 remain pending. Claims 8, 10, 11, 14, 15 and 19 have been canceled.

### ***Response to Arguments***

Applicant argues that Kurosawa reference determines media/film type by sensing the pattern of film identifying openings and concludes "Kurosawa does not (indeed cannot) teach or suggest determining the type of media/film based on data received from sensing the illuminated source media/film". Examiner disagrees. Kurosawa discloses that "the system controller 140 identifies the film holder currently inserted, or the kind of film to be scanned based on the output of the CCD line sensor unit 113" (col. 6, lines 36-38). The pending claims are rejected as follow:

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 4-7, 9, 12, 13, 16-18, 20, 21, 23 and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Kurosawa et al. (U.S. Patent No. 6,714,324).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C.

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102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Regarding claim 1, Kurosawa et al. discloses a device for determining the media type of source media, comprising:

a light source positioned to illuminate at least a portion of the source media (fig. 1, light source 111);

a sensor positioned relative to said light source to view at least a portion of the source media illuminated by said light source (fig. 1, CCD 113); and

a controller connected to said sensor (fig. 2, controller 140); and

a scan module for scanning the source media, said scan module connected to said controller, wherein said controller is configured to determine, based on data received from said sensor sensing the illuminated source media, the media type of the source media (col. 6, lines 36-38) and said controller is further configured to interpret scan data received from said scan module based on said determination (col. 6, lines 26-46).

Regarding claim 4, Kurosawa discloses the device of claim 1, wherein said sensor is a photoelectric cell (fig. 1).

Regarding claim 5, Kurosawa discloses the device of claim 1, wherein said sensor is a charge-coupled device (fig. 1).

Regarding claim 6, Kurosawa discloses the device of claim 1, wherein the source media is interposed between said light source and said sensor (fig. 1).

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Regarding claim 7, Kurosawa discloses the device of claim 1, wherein the source media has a surface, and wherein said light source and said sensor both face said surface (fig. 1).

Regarding claim 9, Kurosawa discloses a method for adjusting the interpretation of scanned data based on the type of source media scanned, comprising:

illuminating at least a portion of the source media (fig. 1);

sensing at least part of the illuminated portion of the source media (fig. 1, sensor 113);

and

determining the media type of the source media based on said sensing (col. 6, lines 36-38).

Regarding claim 12, Kurosawa discloses the method of claim 9, wherein said determining comprises selecting one of a plurality of preset media types based on said sensing (col. 6, lines 36-38).

Regarding claim 13, Kurosawa discloses the method of claim 9, wherein said determining comprises determining the translucency of the source media based on said sensing (col. 8, lines 23-30).

Regarding claims 16-18, the arguments analogous to those presented for claims 9-13 are applicable to claims 16-18.

Regarding claims 20, 21, 23 and 25, the arguments analogous to those presented for claims 9-15 are applicable to claims 20, 21, 23 and 25.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurosawa et al. (U.S. Patent No. 6,714,324).

Regarding claims 2 and 3, Kurosawa does not identify the type of illumination source, however, LED's and incandescent lights are commonly used in film scanning art. Therefore, it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to use either LED's or incandescent lights for illumination of the media.

Claims 22, 24 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurosawa et al. (U.S. Patent No. 6,714,324) and further in view of Fujinawa (U.S. Patent Application Publication 2004/0012827).

Regarding claims 22, 24 and 26, Kurosawa does not address an opaque media, however, Fujinawa discloses reading images from originals other than film, such as, transparent, translucent or opaque (page 6, [0116]). Therefore, it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to combine Kurosawa and Fujinawa's invention to read different type of media and to identify the type of media scanned.

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***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Houshang Safaipoor whose telephone number is (703)306-4037. The examiner can normally be reached on Mon.-Thurs. from 6:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L Coles, Sr. can be reached on (703)305-4712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Houshang Safaipoor  
Patent Examiner  
Art Unit 2622  
February 3, 2005

  
EDWARD COLES  
SUPERVISORY PATENT EXAMINER  
EBC CENTER